

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

The claims have been amended to overcome the §112 rejections. It is believed all of these rejections have been overcome.

The Examiner is of the view that claims 24-36, 41 and 46 are anticipated by Pejsa. Applicants respectfully traverse.

He claimed our invention is based on the problem that, when the bullet strikes the target body a rapid break-up of the bullet material is initiated and that exit from the body is assured with a defined residual size of the bullet (Specification p. 2, lines 1-8).

The bullet of the invention is designed so that upon penetrating the target body the bullet breaks up into the penetrator and the bullet's core. "The penetrator disposed at the nose and made of a harder material than the bullet core brings about a reliable exit from the body even in case of elevated resistance." (Specification p. 2, lines 17-21). The penetrator thus is released from the rest of the bullet and exits from the target body, as it is expressed by its name.

To enable the bullet to come apart, its jacket is configured for that purpose. Upon penetration of the target body the jacket of the bullet "mushrooms," i.e., it bursts open and the "flags" that form curl outward and break off. A so-called "sharp edge" serving as scoring in the jacket provides so that the "flats" peel off at the sharp edge but not beyond, thus releasing the penetrator (Specification, p. 6, lines 16-21).

The shape of the nose of the bullet has a great influence on the fragmentation of the jacket (Specification: p. 4, l. 24-27 and p. 5, 1.4-22). A nose that consists of a softer material than the penetrator, serves for the fragmentation of the bullet's jacket.

In sum, the jacket is destroyed to such a degree that the penetrator separates from the bullet core that remains in the target body and exits from the target body.

An entirely different stated problem is the basis for the Pejsa bullet. The bullet, in contrast to the bullet of our invention, is not supposed to come apart but to expand radially,

without loss of the core material (See Fig. 3, col. 2, lines 64, col. 3, 1. 3 and col. 3, lines 31-33). So the entire bullet remains stuck in the target body. For this reason the Pejsa bullet cannot be compared with the claimed invention. The insert identified by 30 does not serve the function of the penetrator according to the invention. It does not separate from the bullet and does not exit from the target body, and, in fact, just the opposite occurs. Upon penetrating the target body it is driven into the bullet core 12 and causes it to mushroom. Grooves or scoring in the bullet jacket and running lengthwise of the bullet make it possible for the bullet's jacket to crumple accordion-wise but not break up like the bullet of the invention.

Even the different size of the insert 3 and penetrator 3, and especially the different materials, make it appear improbable that any person skilled in the art would equate the two bullet parts. While the penetrator is of such hardness that it can pierce through the target body, the insert 30 is made only of plastic.

On account of the differences above, the Pejsa bullet does not teach the claimed invention.

The Examiner also rejected claim 24-27 and 31-39 as anticipated by Behr (German Patent 191 181). Here again he is equating the features of Behr's bullet with the features of the bullet of the invention, but the purpose of these features must be considered. It does not appear from the description in the patent, lines 15 and 16, whether the bullet breaks up in the target body or exits it in one piece.

The Examiner refers to the steel part *b* joined to the bullet as the penetrator, although it does not look as though it could separate from the bullet core *a* upon entering the target body. Due to the different size and mass compared to the bullet of the invention no skilled practitioner would consider them obviously equal. To equate the nose *d* with the nose of the bullet of the invention is also wrong, because the nose *d* of the referenced patent does not act upon the bullet's jacket, but has an influence on the size of the wound in the animal, lines 1 - 4.

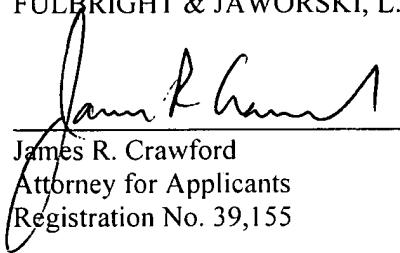
Claim 40 was rejected as allegedly obvious over Behr in view of Pejsa. Applicants respectfully traverse, since neither Pejsa's bullet nor Behr's have anything in common, and cannot be combined to arrive at the claimed invention.

The other obviousness rejections of claims based on Pejsa and/or Behr also must be withdrawn for reasons discussed above.

In view of the foregoing, allowance is respectfully requested.

If any fees are due to enter this paper or to maintain pendency of this application, authorization is given to charge deposit amount no. 50-0624.

Respectfully submitted,
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